

From: Barkley Anderson
To: Microsoft ATR
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Subject: Microsoft Settlement

I think I may have written a volume or two on this subject in commentary sent to publications, news sites and representatives. I wish to clearly dictate the items of conduct most critically abused by Microsoft and summarize each with a sentence of support.

Controlled OEM ISP Sales Distribution Channel

Denied competition capability to effectively distribute and therefore compete through exclusionary (less costly product licenses and other favors for OEM/ISPs who exclude competitors) practices with OEMs and ISPs
Free the OEMs and ISPs with lock and stock pricing models that can't be manipulated at any point in the sales channel. Outlaw contracts that dictate behavior, company practices or exclusion of competitors.

Directly dictated to industry competitors which products to end-of-life (knifing the baby) and even which markets to exit (ex. Dodge to Ford "get out of the auto business")

Apple and Netscape overshadowed a bumper crop of mostly medium to large sized technology, media and software companies. MS browser and email default on the MacOS platform and recollected business conversations where MS suggested Netscape exit the Windows Web Browser market at a time when NS held nearly 90% share of that market.

Two words: Moderate Regulation. This sort of conduct dictates a minimum of two government agency industry monitors in my opinion.

MS deliberate complete deflation of entire web browser development industry through devaluation of browser

Noble claims to putting the customer first quickly fell away to internal communications that proved that the decision to transition an entire industry from one economic model to another was made primarily for the purpose of destroying a competitor.

There's nothing illegal about what Microsoft did in this case. I just wanted you to ask yourself "Would Henry Ford have cannibalized an entire industry, risking the welfare of all those employed in it, simply to reach a marketing goal?"

MS using the toolsets required by software developers (SDK) as tools (carrots) to extort favor and pursue undue influence. Sabotage was employed by MS engineers who delayed releases of SDKs and in rare cases produced slightly doctored "toolsets" or SDKs. MS competitors would receive the less favorable releases of current toolsets than MS own software developers for specific purpose of creating undue time-to-market advantages.

Open source, and freely distribute the SDK. Completely divide the MS programmers who work on the software products from the Windows OS developers. Release a universal SDK to MS software teams and competitors at the same time preventing any undue time-to-market advantages.

MS has acted all along as if they are the ones who will be telling us what the truth is. I believe it is possible that they may have deliberately hammed it up (Gates demeanor and courtroom antics including doctored evidence) in order to elicit reaction from the judge and later claim bias. In the current "post trial post 911" media spotlight, the MS propaganda, PR and PAC dollars could add up and cause this case to disappear.

Please think of the internet development firms, software development firms, digital device makers and computer manufacturers. Should MS's power go unchecked, many industries that have flourished during this trail will likely be muscled into compliance with MS policy or be forced out of the industry. Since MS has come under scrutiny, a more open free-market driven competitive landscape has seen the birth of over a dozen new mainstream operating systems and software niche markets (set-top boxes, digital video recorders, browsers for game consoles, web enabled cell phones, PDAs etc etc...) Had MS not been under the microscope, it is widely believed that some if not all of these markets would have either been stunted or overrun by MS, as other competitors and markets had been in the past.

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